

SEP 23 2005

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**PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION**

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EDWARD B. EVANS 1936-1971

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TO: The Honorable Commissioner
Attention: Michael Trettel
Art Unit 3673

FROM: David H. Brinkman

Fax No.: (571) 273-8300

Phone: (513) 241-2324

Date: September 23, 2005

Fax: (513) 421-7269

Pages (including cover page): 25

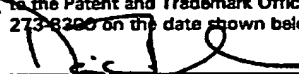
Re: U.S. Serial No. 10/814,974
FOOT CONTROL
Attorney Docket No. MIDTF-373P2

ATTACHMENTS/COMMENTS: OFFICIAL

Please deliver to Michael Trettel
Amendment Transmittal (3 pages)
Amendment (21 pages)

CERTIFICATE OF FACSIMILE TRANSMISSION

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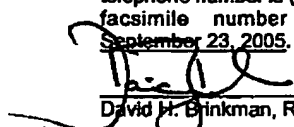
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David H. Brinkman, Reg. No. 40,5329/23/05
Date

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark G. Diller et al.
Serial No.: 10/814,974
Filed: March 31, 2004
Confirmation No.: 8640
Group Art Unit: 3673
Examiner: Trettel, Michael
Title: **FOOT CONTROL**
Atty Docket: MIDTF-373P2

Cincinnati, Ohio 45202

September 23, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.
2. ☐ Small Entity status is claimed.
☒ Other than a Small Entity.
3. The fee has been calculated as shown below:

Page 1 of 3

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	30	MINUS	32	= 0	x \$25	\$0	x \$50	\$0
INDEP.	9	MINUS	9	= 0	x \$100	\$0	x \$200	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$180	\$0	+ \$360	\$0
TOTALS					TOTAL FEE	\$0	TOTAL FEE	\$0

- ☆ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- ☆☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

 X No additional fee for claims is required.

4. Attached is a check in the sum of \$_____.

_____ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.

A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

(a) _____ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
___ one month	\$ 120.00	\$ 60.00
___ two months	\$ 450.00	\$225.00
___ three months	\$1,020.00	\$510.00
___ four months	\$1,590.00	\$795.00

___ Attached is a check in the amount of \$___ for the three month extension fee as required by 37 C.F.R. § 1.17(c).

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

___ An extension for ___ months has already been secured and the fee paid thereof of \$___ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$___.


OR

(b) XX Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

XX If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



David R. Brinkman
Reg. No. 40,532

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David H. Brinkman, Reg. No. 40,532

Date

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September 23, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action mailed on June 23, 2005, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 17 of this paper.